

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Kloper
Appl. No.: 10/016,845
Conf. No.: 7445
Filed: December 14, 2001
Title: INROUTE TRAINING IN A TWO-WAY SATELLITE SYSTEM
Art Unit: 2666
Examiner: Hom, Shick C.
Docket No.: PD-200372 (115426-949)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RENEWED PETITION UNDER 37 C.F.R. 1.137(b)

The Applicant respectfully requests prompt consideration of the attached Renewed Petition For Revival For Revival Of An Application For Patent Abandoned Unintentionally pursuant to 37 C.F.R. §1.137(b) (hereafter "Petition for Revival"); and Response to Office Action pursuant to 37 C.F.R. §1.116 (hereafter "Response"). A Request for Continued Examination (RCE) now accompanies this Petition for Revival.

The original Petition For Revival was filed on June 2, 2006, to revive the application, which was abandoned unintentionally due to a docketing error. The Petition For Revival was filed along with a Response to *prima facie* place the application in condition for allowance. The Response merely incorporated the allowable subject matter indicated by the Examiner into the pending independent claims. No RCE was filed with the Response because no other issues were remaining in the application.

On January 10, 2007, the Examiner issued an Advisory Action raising new grounds of rejections under 35 U.S.C. 112, second paragraph, which resulted in the Petition for Revival being dismissed (as indicated by the decision on the petition dated January 12, 2007).

Accordingly, the Applicant now submits the following: 1) a grantable petition under 37 CFR 1.137(b); 2) a Response To Office Action responsive to the Office Action dated November 29, 2005, and the Advisory Action dated January 10, 2007; and 3) an RCE. No petition fee is

believed due given that the Applicant previously paid the petition fee. However, if any fees are due in connection with this application as a whole, the Director is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket no. PD-200372 (0115426-949) on the account statement.

In light of the above, the Applicant respectfully requests that the Petition for Revival be granted.

Respectfully submitted,

BY Mark D. Pratt
Mark D. Pratt
Reg. No. 45,794
Customer No.: 29158
202-955-7003

Dated: 3/9/07

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

115426-949 (PD-200372)

First named inventor: David Kloper

Application No.: 10/016,845

Art Unit: 2666

Filed: December 14, 2001

Examiner: Hom, Shick C.

Title: INROUTE TRAINING IN A TWO-WAY SATELLITE SYSTEM

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m)) Fee was paid 6/2/06 w/original petition

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Mark D. Pratt
Signature

3/9/07
Date

Mark D. Pratt
Typed or printed name

45,794
Registration Number, if applicable

Bell, Boyd & Lloyd LLP PO Box 1135
Address

202.955.7003
Telephone Number

Chicago, Illinois 60690-1135
Address

Enclosures: ☐ Fee Payment (Fee was paid 6/2/06 w/original petition)

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Director is authorized to charge any add'l fees or credits to 02-1818

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate